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1 **II. DISCUSSION**

2 “The court may strike from a pleading an insufficient defense or any redundant,
3 immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f). There is no such material
4 in the Answer. Moreover, the motion to strike is itself improper and should be stricken, insofar
5 as it also constitutes a “reply” to Defendant’s Answer. Such a pleading is not allowed without a
6 court order. *See* Fed. R. Civ. P. 7(a)(7).

7 “[A] motion [for sanctions] must be served under Rule 5, but it must not be filed or be
8 presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn
9 or appropriately corrected within 21 days after service or within another time the court sets.”
10 Fed. R. Civ. P. 11(c)(2). Plaintiff attests to having served the motion on May 24, 2016. (*See*
11 Mot. 10, ECF No. 15). He filed the motion on May 25, 2016, without waiting 21 days for a
12 potential withdrawal or correction. The motion is therefore improper.

13 **CONCLUSION**

14 IT IS HEREBY ORDERED that the Motion for Sanctions (ECF No. 15) and the Motion
15 to Strike (ECF No. 16) are DENIED.

16 IT IS FURTHER ORDERED that the Reply (ECF No. 17) is STRICKEN.

17 IT IS SO ORDERED.

18 Dated this 29th day of June, 2016.

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21 ROBERT C. JONES
22 United States District Judge
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